

# Exhibit 374

## PART 37

*United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.*  
*v. Dey, Inc., et al.*, Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support  
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

union of the United States of America at all times. **Michael-Todd: of the Ricks-Bey tribe/family** is entitled to equal protection of the law as if he were a citizen of the United States of America, the republic established AD 1787-1791, as is binding upon and within the state of **Colorado** by operation of the equal protection and due process clauses of Article XIV in Amendment to the federal constitution.

**"IN THIS STATE"** See Note, Federal Zone; Senate Document No. 43, 73<sup>rd</sup> Congress, 1<sup>st</sup> Session; Conference of Governors, March 6, 1933.

*Note: Per California Revenue & Taxation Code §§ 6017, 11205, 17018, and 23034, the terms "in this state," "this state," and "State" are defined for tax jurisdiction purposes as "District of Columbia" (a/k/a "United States"). Accordingly, "California" is not included "in this state" within the above-cited sections of the California Revenue & Taxation Code. The federal postal designation "CA," however, is included "in this state."*

**INSTRUMENT.** "Instrument" means a negotiable instrument or any other writing that evidences the right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. Does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit charge card or information contained on or for use with the card. UCC 9-102(a)(47). An **instrument** is an "note" if it is a promise and is a "draft" if it is an order. If an **instrument** falls within the definition of both "note" and "draft" a person entitled to enforce the **instrument** may treat it as either UCC 3-104(e). **"Instrument"** means a negotiable instrument. UCC 3-104(b).

The word **"Judge de facto"** or "de facto judge" means One who holds and exercises the office of a judge under the color of lawful authority, and by a title valid on its face, though he has not full right to the office, as where he was appointed under an unconstitutional statute, or by a usurper of the appointing power or has not taken the oath of office.

**JURISTIC PERSON.** See Note.

Note: Black's 7<sup>th</sup> mentions juristic **person** under the definition of **"artificial person,"** which is defined under **"person"**.

**PERSON.** An entity (such as a corporation) having the rights and duties of a human being...Black's 7<sup>th</sup>.

**ARTIFICIAL PERSON.** An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being. Also termed fictitious **person**; juristic **person**; legal **person**...Black's 7<sup>th</sup>.

**JURISPRUDENCE** is the **Science** and **Philosophy** that treats **"Positive Law"** and the administration of the same. It is the study of the Nuance and structure of the legal systems and/or their content of the said legal or law systems Jurisprudence is more akin to analytical comparison of system **Law**. The root of Jurisprudence is derived from the old Moorish Latin words, **Juris**, meaning Law and **Prudentia**; meaning meaning knowledge.

**LAW OF NATIONS.** A system of rules and principles established among nations, and intended for the regulation of their mutual intercourse; otherwise called "**international law.**" Black's 1<sup>st</sup>.

**LEGAL FICTION.** Something assumed\* in law to be fact irrespective of the truth or accuracy of that assumption. Example: the *legal fiction* that a day has no fractions—*Fields v. Fairbanks North Star Borough*, 818 P.2d 658 (1991). Merriam-Webster's Dictionary of Law, 1996. n. A presumption of fact assumed by a court for convenience, consistency or to achieve justice. There is an old adage: ~**Fictions** arise from the law, and not law from fictions. The Real Life Dictionary of the Law. A **legal fiction** is an assumption\*\* that something that is (or may be) false or nonexistent is true or real. **Legal fictions** are assumed or invented to help do justice. For example, bringing a lawsuit to throw a nonexistent "John Doe" off your property used to be the only way to establish a clear right to the property when legal title was uncertain. Oran's Dictionary of the Law. See Note.

\***ASSUME.** 1. To take up or take responsibility for; to receive; to undertake. See assumption. 2. To pretend. 3. To accept without proof. Oran's Dictionary of the Law.

\*\***ASSUMPTION.** Formally transforming someone else's debt into your own debt. Compare with guaranty. The assumption of a mortgage usually involves taking over the seller's "mortgage debt" when buying a property (often a house). Oran's Dictionary of the Law.

Note: Per the dictionary, a **fiction** is something created by the imagination. In the field of law, judges have used their imagination to develop an artifice that allows them to call the truth a lie, and a lie the truth. This particular type of **fiction** is termed a "**legal**" **fiction** because it was fabricated within the legal profession; essentially, it is the "Doctrine of Pretending." Judges operate their court based on "let's pretend" and do so with license, but without the inconvenience of having to inform you of what they have decided to pretend. Judges live in an artificial world based on pretense, lies, and deceit, and are professions dissemblers\*\*\*. A legal fiction is an assumption of purported fact without having shown the fact to be true/valid, i.e. an acceptance with no proof.

\*\*\***DISSEMBLE.** To conceal or disguise the true nature of (intentions, feelings, etc.) so as to deceive... To conceal one's true nature, intentions, etc.; act hypocritically. F&W.

**LIBERTY.** Freedom, exemption from extraneous control, the power of the will to follow the dictates of its unrestricted choice, and to direct the external acts of the individual, without restraint, coercion, or control from other parties. "Liberty" includes and comprehends all personal rights and their enjoyment. "Liberty" includes but is not limited to, freedom/right from duress, freedom/right from governmental interference in exercise of intellect, in information of opinions, in the expression of them, and in action or inaction dictated by judgment, the freedom/right from servitude, freedom/right from imprisonment or restraint without lawful Constitutional due process of law, the freedom/right in the use of all of one's powers, faculties and property, freedom of contract, the freedom/right to travel, the freedom/right of religion, the freedom/right of speech, the freedom/right of self defense against unlawful violence, the freedom/right to acquire and enjoy property, the freedom/right to acquire knowledge, the freedom/right to carry on business, the freedom/right to earn a livelihood in any lawful calling, the freedom/right to enjoy to the fullest extent the privileges and immunities given or assured by the law to the people living within the union of the united States of America, the freedom/right to demand the nature and cause of any allegation made against an Inhabitant, etc..."

**LIEN.** [ $\leq$ 1 ligament, tie, bandage] A qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or the performance of some act. Black's 1<sup>st</sup>. a claim,

encumbrance, or charge on property for payment of some debt, obligation or duty. Black's 6<sup>th</sup>. "A fine imposed pursuant to the provisions of subchapter C of chapter 227 of this title... and is a lien in favor of the United States..." POST SENTENCE ADMINISTRATION 18 USC § 3613 Ch. 229. A charge, hold, or claim upon the property of another as security for some debt or charge. Connates the right the law gives to have a debt satisfied out of the property to which it attaches, if necessary by the sale of the property. Barron's 3<sup>rd</sup>. A charge or security or encumbrance upon property...Black's 4<sup>th</sup>.

**LIMITED LIABILITY.** Liability restricted by law or contract; esp. the liability of a company's owners for nothing more than the capital they have invested in the business. See Note.

*Note: "Limited liability" is a fabrication and a fraud. No statute of limitations and no limited liability exists in commerce as per the maxims of law: "Once a fraud, always a fraud," and "A thing void in the beginning does not become valid by lapse of time." A limited liability person is: (1) a creature of contract; required to be insured and bonded; bound to and limited by the contractual terms and conditions of the insurance policy and bond creating, defining, and underwriting the person's office; (2) obligated to prove solvency to participate in any public forum or jurisdiction by providing to any adverse party upon demand a copy of the insurance policy and bond re said person's office prior to any court proceeding; and (3) defined by the insurance policy and bond re the contractual terms and conditions of said person's office scope authority, basis of functioning, identity, rank, liability, and solvency. The principles of equality under the law and the integrity of contracts demand that all "public officials" alleging legal authority to use said officials administer, in compliance with contracts referencing and defining oath of office, job description, and the insurance policy and bond that define, limit, and underwrite said officials office.*

**"NATURAL PERSON"** = A person is such, not because he is human, but because rights and duties are ascribed to him. The person is the legal subject or substance of which legal rights and duties are attributes. An individual human being considered as having such attributes is what lawyers call a natural person. All public officials who are under oath or affirmation to uphold the Constitution and Laws of the United States for the united States of America are natural persons. The term "Natural Person" does not include the term "Inhabitant."

**"Nature and Cause"**, taken from the 6<sup>th</sup> Amendment of the Constitution for the united States of America A.D. 1791, means the right to know venue, jurisdiction, parties of interest, right of action, cause of action upon which action is based and under what substantive system of law the defendant's and tribunal are operating under.

**"ORIGINAL JURISDICTION"** means the Original Jurisdiction of the Republic of The several united States of America A.D. 1791, established by the death of the Christ in A.D. 33, endowing all mankind with inherent liberty under the Law. The Declaration of Independence of the several united States of America A.D. 1776, Articles of Confederation, A.D. 1781, The Treaty of Paris, A.D. 1783, The Northwest Ordinance, A.D. 1787, The Constitution for The several united States of America as amended, A.D. 1791.

**PERSON.** Includes, an individual entity and State citizen. The term "Person" does not include the term "Inhabitant."

The term **"Douglas County"**, means those people dwelling in a specific geographical subdivision at The State of Colorado.

The term "**Denver County**", means those people dwelling in a specific geographical subdivision at The State of Colorado.

The term "**Douglas County**" and "**County of Douglas**" are names used by the subdivision of "**State of Colorado**" doing business at **Douglas county, Colorado**.

The term "**Denver County**" and "**County of Denver**" are names used by the subdivision of "**State of Colorado**" doing business at **Denver county, Colorado**.

"Petitioner's original action" means ORIGINAL ACTION filed, the action or proceedings brought in the tribunal by CITY OF CASTLE ROCK under Case No. 04CR383

"Petitioner's original action" means ORIGINAL ACTION filed, the action or proceedings brought in the tribunal by CITY OF DENVER under Case No.05CR3189

PREJUDICE. Means Claimant's loss of inherent rights, privileges and immunities.

PUB. L. Means PUBLIC LAW of the United States for the united States of America.

The term "**PUBLIC MINISTER**" = take rank among themselves, in each class, according to the date of official notification of the arrival at the tribunal.

- A. Public Minister, a Representative of a Judicial Jurisdiction; a public minister is a representative of on judicial jurisdiction to a judicial jurisdiction of a foreign authority or power.
- B. Ministerial Power and Duty; are powers given for the good, not of the donee himself exclusively, or of the donee himself necessarily at all, but for the good of several parties, including or not including the donee also. They are so called because the donee of them is as a minister or servant in his exercise of them. The power and the duty of the public minister rests upon the law of the nation as well as upon treaties, and the primary duty of the public minister is the protection of the interests of his countrymen.
- C. Public Minister's protection of interest of parties of judicial jurisdiction represented; Public Ministers are bound to see that the laws jurisdiction of the unknown or foreign authority wherein they officiate are properly administered so as to protect the interest of their nationals and their official character, as public ministers must be taken as sufficient evidence of authority to perform all those acts that customarily are entrusted to public ministers for performance. The authority of a public minister to protect the estates and the rights of his countrymen within his judicial jurisdiction from loss for waste is recognized by all civilized nations as inherent in the office of public minister under the accepted principles of international law, and the tribunals have consistently given recognition to the power of a public minister to assert or defend the property rights as well as the personal rights of his national irrespective of whether or not he has been accorded the right to represent them in tribunal by provision or treaty or otherwise. Even in the absence of specific authorization to act as the personal agent of his nation, and in the absence of a treaty, a public minister duly recognized, has under the principle of international law the authority and the privilege to represent his fellow countrymen in the tribunal of the state. A public minister is authorized to assert claims in behalf of his national, even where the claimants

are unknown. However, he must have specific authority before he can obtain actual restitution of proceeds.

- D. Immunity of Public Ministers. The rule that tribunals have no jurisdiction over a foreign sovereign extends also to its public ministers. Public law 1970, 1 Stat. At. L. 117, ch. 9 [codified in 22 U.S.C. § 252], it is provided that wherever any writ or process is sued out or prosecuted by a person in any tribunal of the United States or of a state or by a judge or justice whereby the person of any public minister of a foreign jurisdiction, or any domestic or domestic servant of any such minister is arrested or imprisoned or his goods or chattels are distrained, seized, or attached, such writ or process is sued out in violation of this prohibition, ever person by who the same is obtained or prosecuted, whether as a party or as solicitor, and every officer served in executing it, shall be deemed a violator of the laws of the nations and a disturber of the public repose, and shall be subject to the penalty provided by law. See, Pub. L. 9148, ch. 645, 62 Stat. 688; [codified in 18 U.S.C. § 112] and Pub L. 1871, ch 22, 6, 17 Stat. 15 [codified in U.S.C. 42 § 1986]

**PUBLIC OFFICER.** An officer of a public corporation; this is, one holding office under government of a municipality, State, or nation. One occupying an office created by law. One who exercises some portion of the sovereign power of the state, either in making, administering or executing the laws. One who acts under a sworn oath or affirmation and/or bond. Includes but is not limited to attorney-at-law.

"CRS" = copyrighted COLORADO REVISED STATUTE.

"RCC" = copyrighted REVISED CODE OF COLORADO.

"Respondent" as used in this action means the corporate sole established by implied operation of the law or otherwise means by the several participating members acting in the name **STATE OF COLORADO**, its their agents, assigns, successors, and predecessors in the action.

The term "**Respondents**" is synonymous with "**Respondent's**" and/or "**Respondent(s)**".

The term "**Respondent's**" means **Darren L. Vahle**, a natural person who holds, or purports to hold, the position of prosecuting Attorney for Douglas County (a.k.a.: County of Douglas) and **Dawn M. Weber**, a natural person who holds, or purports to hold, the position of prosecuting Attorney for Denver County (a.k.a.: County of Denver) subdivisions of the supreme court whose process runs in the name "State of Colorado", in which name the process is brought is the subject of this action. **Darren L. Vahle** and **Dawn M. Weber** are persons subject to an Oath of Office contract executed before entering upon the duties of the office of prosecuting Attorney incorporating by reference the United States Constitution. **Darren L. Vahle** and **Dawn M. Weber** are persons subject to an Oath of Office contract as an attorney admitted to practice in the name and under the authority of the supreme court whose process runs in the name "State of Colorado," which appears to be the plaintiff in the process which is the subject of the Respondent's original action, said oath incorporating by reference the United States Constitution; Douglas County and Denver County respectfully as a subdivision of the corporate body organized by the act of the Colorado legislative August 1, 1876 whose process is to run in the name "State of Colorado", operating at Douglas County and Denver County, Colorado and is the person who employs **Darren L. Vahle** and **Dawn M. Weber** named herein; and City of Castle Rock and Denver respectfully as a corporate body organized under process executed in the same name "State of Colorado."



The term "**Respondent's**" means **Bill Ritter**, a natural person who holds, or purports to hold, the position of Governor for "State of Colorado", **John Suthers**, a natural person who holds, or purports to hold, the position of Attorney General for "State of Colorado", subject to an Oath of Office contract as an attorney admitted to practice in the name and under the authority of the supreme court whose process runs in the name "State of Colorado," **Mike Coffman** a natural person who holds, or purports to hold, the position of Secretary of State for "State of Colorado"; and **Aristedes W. Zavaras**, a natural person who holds, or purports to hold, the position of Executive Director of Department of Corrections for "State of Colorado", all Respondent(s) are persons subject to an Oath of Office contract executed before entering upon the duties of this office, incorporating by reference the United States Constitution; "State of Colorado" and supreme court are the body organized by the Colorado legislature by the act of August 1, 1876 organizing a supreme court, and corporation sole of the state of Colorado, whose process runs in the name "State of Colorado", operating in Denver County, Colorado and is the person who employs **Bill Ritter**, **John Suthers**, **Mike Coffman**, and **Aristedes W. Zavaras** named herein.

"Respondent's original action" means ORIGINAL ACTION filed, the action or proceedings brought in the tribunal by CITY OF CASTLE ROCK AND DENVER, under Case No. 04-05279/04A2406 and 05FO2465 respectfully and thereafter under Inc. Case No(s). 04CR383 and 05CR3189 respectfully.

"SECURED PARTY" is a living, sentient being as distinguished from a juristic person created by construct of law; such as Secured Party, i.e. "Michael-Todd-Ricks-Bey".

**SEND.** "Send," in connection with a record or notification, means to do either of the following: (A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances. (B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A). UCC 9-102(a)(74).

**SETOFF, SET-OFF.** A debtor's right to reduce the amount of debt by any sum the creditor owes the debtor; the counterbalancing sum owed by the creditor. Black's 7<sup>th</sup>. A counter-claim or cross-demand; a claim or demand which the defendant in an action sets off against the claim of the plaintiff, as being his due, whereby he may extinguish the plaintiff's demand, either in whole or in part, according to the amount of the **set-off**. **Set-off** is a defense which goes not to the justice of the plaintiff's demand, but sets up a demand against the plaintiff to counterbalance his in whole or in part. Black's 1<sup>st</sup>.

**SHALL.** Command, imperative, mandatory, denoting a duty and obligation to act or not to act.

**SIGNATURE.** Includes any symbol executed or adopted by a party with present intention of authenticating the validity of a writing.

**SOVEREIGNTY.** Supreme dominion, authority, or rule. Black's 7<sup>th</sup>. The possession power; supreme political authority; paramount control of the constitution and frame of government and its administration; the self-sufficient source of political power, from which all specific political powers are derived; the international independence of a state, combined with the right and power of regulation its internal affairs without foreign dictation; also a political society or state which is sovereign and independent. Black's 1<sup>st</sup>. "Congress can exercise no power by virtue of any supposed inherent sovereignty in the General Government. Indeed, it may be doubted whether the power can be correctly said to appertain to sovereignty in any proper sense as an attribute of an independent political community. The power to commit violence, perpetrate injustice, take private property by force without compensation to the owner, and compel the receipt of

promises to pay in place of money, may be exercised, as it often has been, by irresponsible authority, but it cannot be considered as belonging to a government founded upon law. But be that as it may, there is not such thing as a power of inherent sovereignty in the Government of the United States." Juliard v Greenman, 110 U.S. 421 (1884).

**STATE AGENCY.** All units of State government established under the constitutional or legislative authority of the State, including any branch, department, or unit of the State government, organization, corporation, partnership or association, however designated or constituted.

**STATE BAR.** An agency or QUASI-MUNICIPAL CORPORATION OF STATE OF COLORADO the establishment and agency of which is codified as CRDP 201.3. An enterprise organized by the association of those several person who are "admitted to practice" before the corporate supreme court whose process runs in the name "State of Colorado," (August 1, 1876)

**"STATE CITIZEN"** = includes, a corporation or any other artificial entity created under the laws of one State and a non-resident of every other State. A corporation shall be deemed a citizen of any state by which it has been incorporated and of the state where it has principal place of business. The term "State citizen" does not include the term "Inhabitant."

The terms "STATE OF COLORADO, State of Colorado, COLORADO STATE, Colorado State, the State of Colorado," and "CO" mean the corporation sole of the state of Colorado by several members of the Colorado legislature by the act of August 1, 1876. "State of Colorado" is the process name for the corporate body organized by the Colorado territorial legislature August 1, 1876, styled a "supreme court." The terms "State of Colorado, this State", and "Supreme Court" mean the body organized by the Colorado legislature by the act of August 1, 1876 organizing a Supreme Court.

The terms "The State of Colorado, The state of Colorado, Republic of Colorado, Colorado Republic, organic state of Colorado Republic" and "CO" mean the body of the sovereign people who organized a general government, and their general government, as admitted to the union of the several united States of America by act of Congress and recognized by the President by proclamation in 1876 AD, and their successor in interest to the sovereignty thereby established, (without the quasi jurisdiction of State of Colorado) who possess unalienable rights from Nature's Law and Nature's God, which rights are not subject to involuntary liens or diminished by any legal impediment.

**"STATE RESIDENT"** = includes any State citizen. The term "State resident" does not include the term "Inhabitant."

**STATUTE.** An act of the legislature declaring, commanding, or prohibiting something; a particular law enacted and established by the will of the legislative department of government; the written will of the legislature, solemnly expressed according to the forms necessary to constitute it the law of the State. This word is used to designate the written law in contradiction to the unwritten law.

**STATUTES AT LARGE.** Statutes printed in full added in the order of their enactment, in a collected form, as distinguished from any digest, revision, abridgement, or compilation of them. Thus the volumes of "United States Statutes at Large," or the "Colorado Statutes at Large" contain all the acts of the Congress of the United States of America or the Congress of The State of Colorado in their order.

**STAMINEUS HOMO.** A man of straw, one of no substance, put forward as bail or surety. Black's 1<sup>st</sup>.